

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

‘ĪLIO‘ULAOKALANI)	CV NO 04-00502 DAE BMK
COALITION, a Hawai‘i nonprofit)	
corporation; NĀ ‘IMI PONO, a)	
Hawai‘i unincorporated association;)	
and KĪPUKA, a Hawai‘i)	
unincorporated association,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ROBERT M. GATES, Secretary of)	
United States Department of)	
Defense; and FRANCIS J.)	
HARVEY, Secretary of the United)	
States Department of the Army,)	
)	
Defendants.)	
_____)	

ORDER DENYING PLAINTIFFS’ EX PARTE MOTION TO SHORTEN TIME
FOR HEARING STATEMENT OF APPEAL FROM MARCH 23, 2007 ORDER
DENYING PLAINTIFFS’ REQUEST FOR SUPPLEMENTAL DISCOVERY

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. On March 23, 2007, Magistrate Judge Kurren denied Plaintiffs’ request for supplemental discovery. Plaintiffs were seeking ongoing supplemental discovery of each Stryker-specific training exercise that the 2nd Brigade must conduct to be deployable as a Stryker Brigade Combat Team.

The Magistrate Judge found that if Plaintiffs believe that Defendants have violated the Interim Injunction, NEPA or other federal law, Plaintiffs may return to this Court, however, pre-trial discovery was not the appropriate vehicle to ascertain post-decision compliance with a court order.

On April 2, 2007, ten days after the issuance of the Magistrate's order, Plaintiffs filed an appeal. Plaintiffs also filed the instant motion requesting a hearing on the appeal and requesting that this Court shorten time for a hearing on the appeal. Plaintiffs assert that an expedited hearing is necessary to ensure that the appeal is resolved prior to any Stryker-related training commencing that differs from what Defendants presented to this Court for its review. Defendants filed an opposition on April 3, 2007.

Pursuant to Local Rule 7.2(e), appeals of magistrate orders are non-hearing matters. This appeal, from a discovery order, does not present any special circumstances such that a hearing is required. In addition, Plaintiffs' assertion that an expedited hearing is necessary is inconsistent with their conduct of waiting 10 days to file their appeal. Moreover, if Plaintiffs believe that Defendants are violating this Court's Interim Injunction Order, Plaintiffs can file a motion for contempt at any time and request an expedited hearing on that motion.

For these reasons, this Court DENIES Plaintiffs' motion for a hearing and to shorten time for a hearing.

IT IS SO ORDERED.

DATED: Honolulu, HI April 4, 2007



David Alan Ezra
United States District Judge

‘ĪLIO‘ULAOKALANI COALITION, et al. vs. Robert M. Gates, et al., CV No. 04-00502 DAE-BMK; ORDER DENYING PLAINTIFFS’ EX PARTE MOTION TO SHORTEN TIME FOR HEARING STATEMENT OF APPEAL FROM MARCH 23, 2007 ORDER DENYING PLAINTIFFS’ REQUEST FOR SUPPLEMENTAL DISCOVERY